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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,550	02/02/2001	Toshiaki Nakano	P107156-00051	8044

7590

11/04/2004

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Washington, DC 20036

EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/773,550	<b>Applicant(s)</b> NAKANO ET AL.	
	<b>Examiner</b> Chongshan Chen	<b>Art Unit</b> 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to Amendment filed on 24 June 2004. Claims 5 and 7-9 are pending in this Office Action.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 5 and 7-9 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al. ("Cupps", 5,991,739) in view of Bellesfield et al. ("Bellesfield", Pub. No.: US 2002/0038180 A1).

As per claim 7, Takaya discloses a service providing area retrieval system (Cupps, Fig. 1) comprising:

a retrieval site connected to a computer network (Cupps, Fig. 1 & 2), said retrieval site comprising:

retrieval server (Cupps, Fig. 1, col. 3, lines 49-56, "...the online ordering machine 106 is a server computer ..."),

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retrieval database storing data on genres of handled merchandises and service providing areas of registered shops (Cupps, col. 8, lines 64-67, “the order database 128 contains information such as the operational time of a vendor, ..., the categories of the food products served, and the like”) and

a registered shop database storing service request data of each shop registered for the retrieval database (Cupps, col. 5, line 27 – col. 8, line 17),

wherein said retrieval server of said retrieval site retrieves shops whose genres of handled merchandises from said retrieval database correspond to a desired merchandise genre entered at an information terminal connected to said retrieval site and whose service providing area from said retrieval database includes a destination entered at the information terminal connected to said retrieval site, retrieves the service request data of the selected shop from said registered shop database, and displays the service request data on the information terminal, and then after an entry for requesting a service based on the service request data, sends the requested service contents to the selected shop (Cupps, Fig. 7 – 12C, col. 2, lines 20-67, “the online ordering machine provides the customers with product information from various vendors whose delivery range is within the customer’s location ... the online ordering machine accepts orders from the customer for a particular product from a selected vendor ...”), and

wherein said retrieval site further includes a registered user database storing user information, to retrieve user information from said registered user database based on an entry on the information terminal, and retrieve said list of shops capable of providing the service and said service request data based on the retrieved user information (Cupps, Fig. 12A-12C, Repeat Customer, Enter login name and password below; New Customer, Register now to begin

ordering, col. 5, lines 29-35, “a customer table have an entry for each customer that tenders an order to the online ordering machine ...”).

Cupps does not explicitly disclose a map database site connected to the computer network, said map database site comprising: map server, and map information database storing map image data, and displays a map image on which the destination and retrieved shops are indicated. Bellesfield teaches a map database site connected to the computer network, said map database site comprising: map server, and map information database storing map image data, and displays a map image on which the destination and retrieved shops are indicated (Bellesfield, Fig. 2, element 26, Map Database, Fig. 6 & 11, page 4, [0035]-[0036], page 6, [0051]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the map system of Bellesfield into the online ordering system of Cupps. The map system of Bellesfield displays the places on a map and shows the driving direction between the places. The online ordering system of Cupps displays a list of shops that provide takeout services to the customer. The map image and driving direction would help the customer to find an easy and fast way to the shop to pick the order.

As per claim 8, Cupps and Bellesfield teach all the claimed subject matters as discussed in claim 7, and further teach an entry of the destination of the provided service on the information terminal is performed on a map image displayed based on the map information data read out from said map information database by said map server of said map database site (Bellesfield, page 6, [0051]).

Claims 9 and 5 are rejected on grounds corresponding to the reasons given above for claims 7-8.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bouve et al. (US 5,682,525 A) teach a map database and locate interest places on the map.


***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571)272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571)272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CC  
October 29, 2004

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER